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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,933	11/20/2003	Yuuji Tanaka	024629-00008	6798
4372	7590	11/01/2007	EXAMINER	
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			OBEID, FAHD A	
			ART UNIT	PAPER NUMBER
			4137	
			NOTIFICATION DATE	DELIVERY MODE
			11/01/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com  
IPMatters@arentfox.com  
Patent\_Mail@arentfox.com

## Office Action Summary

**Application No.**

10/716,933

**Applicant(s)**

TANAKA ET AL.

**Examiner**

Fahd A. Obeid

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/20/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/06/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of the Application***

1. **Claims 1-6** are pending in this application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite.**

4. Claims 1 and 6 recite the limitation "the total number of said parts". There is insufficient antecedent basis for this limitation in the claim.

5. Claims 1 and 6 recite the limitation "the remaining quantity". There is insufficient antecedent basis for this limitation in the claim.

6. Claims 1 and 6 recite the limitation "total quantity of parts". There is insufficient antecedent basis for this limitation in the claim.

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7. Claims 1, 5, and 6 recite the limitation "judgment result". There is insufficient antecedent basis for this limitation in the claim.
8. Claim 2 recites the limitation "the sales account". There is insufficient antecedent basis for this limitation in the claim.
9. Claim 2 recites the limitation "will be" is vague and indefinite. It is unclear whether this step is actually performed. The claim language indicates that the step will occur sometime in the future but not necessarily at this step in the claim. Thus, the limitation is not positively cited.
10. Claim 3 recites the limitation "parts bought". There is insufficient antecedent basis for this limitation in the claim.
11. Claim 4 recites the limitation "the sales accounts that are the objects of buying are sales accounts whose processed month is the ending month, and sales accounts that have a inventory buying flag attached" is vague and indefinite. It is unclear what attempting to set forth. For examination purposes sales account that are processed at the end of the month and sales accounts that have an inventory buying flag attached.

***Claim Rejections - 35 USC § 101***

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. **Claims 1 and 6 are rejected under 35 U.S.C. 101 because:**

As per claims 1 and 6, the limitation, "total quantity is not greater than said predicted demand quantity" as recited is an open-ended conditional statement. The use of open-ended conditional language would not render the entire claim useful, tangible or concrete. The language presented only makes allowances for when the total quantity is not greater than predicted demand quantity. There is no allowance made in the event that total quantity is greater than predicted demand quantity. Therefore, as the claim is currently presented, it could be possible that there would be no action by the program if total quantity is greater than predicted demand quantity. In this case, there would be no concrete, tangible or useful outcome in the case. Thus, the claim is directed to non-statutory material.

### ***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**15. Claims 1 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by King (US 2003/0110104).**

**16. Regarding Claims 1 and 6:** King discloses a part ordering system comprising:

- A collective-ordering means by which the user (warehouse or customer) sends a collective order to a parts manufacturer (supplier) based on the predicted demand quantity for a specified period (fig 4, and page 2 para 14).
- A delivery means by which said parts manufacturer (supplier) delivers the object parts of said collective order to said user (warehouse or customer) at undetermined times according to the order from said user (fig 8, pages 3-4 para 43, page 8 para 91, and claim 12).
- A judgment means of determining whether or not the total number of said parts (replenishment demand) delivered to said user (warehouse or customer) by said parts manufacturer (supplier) during said specified period of time when said user (warehouse or customer) orders parts from said parts manufacturer (supplier) is greater than said predicted demand quantity (forecast) of said part collectively ordered by said user (warehouse or customer) from said parts manufacturer (supplier) (page 5 para 57-58).
- A buying means by which said user (warehouse or customer) orders and buys just the amount of the remaining quantity (shortage) given by the difference between said predicted demand quantity (demand) and said total quantity of parts (supply) from said parts manufacturer when it is determined by the

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judgment result of said judgment means that said total quantity is not greater than said predicted demand quantity (shortage occurs when demand is greater than supply in a given period. Therefore, to handle the shortages, the demand and order management provider determines whether a customer is willing to receive (order and purchase) the parts (components) at a later date; see fig 8, page 3 para 33, pages 5-6 para 58, page 10 para 103).

17. Regarding Claim 5: King discloses a part ordering system of claim 1 wherein when said judgment result of said judgment means determines that said total quantity is greater than said predicted demand quantity, said part is removed from collective ordering and made the object of normal ordering (see fig 8, page 3 para 33, pages 5-6 para 58, page 10 para 103).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**20. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (US 2003/0110104) in view of an official notice.**

21. Regarding Claims 2 and 3: King does not expressly disclose a memory for storing sales information and specifying a mark for each account.

However, examiner takes official notice that a memory means of storing at least the sales account corresponding to said part, starting date and ending date for ordering said part, and sales accounts for other parts wherein a specified mark is applied to said sales accounts stored in said memory is old and well known in the art at the time the invention was made.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include storing sales account information in a memory with starting and ending dates for ordering parts, and indexing account data teachings in Kings's managed inventory system and process enabled, for the advantage of saving data in a protected record to be accessed by indexed or classified account data by designated personals.



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**22. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over King (US 2003/0110104) in view of Eder (5,615,109).**

23. Regarding Claim 4: King does not expressly disclose performing purchase on the first day of the month and processing sales accounts by the end of the month.

However, Eder discloses a part ordering system of any of the claims 1 to 3 wherein:

- Buying by said buying means is performed on the first day of the month (col 20 table 11, cols 23-24 lines 1-67, cols 21-22 lines 1-67, col 59 lines 48-67, and col 60 table 64).
- The sales accounts that are the objects of buying are sales accounts whose processed month is the ending month, and sales accounts that have a inventory-buying flag attached (col 79 lines 1-37 & tables 76-77, and claims 2-3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Eder's teachings in Kings's managed inventory system and process enabled, for the advantage of periodically determining sales, expenses, and profits of the company.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fahd A. Obeid whose telephone number is 571-270-3324. The examiner can normally be reached on Monday to Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fahd Obeid  
Patent Examiner

  
AKM ULLAH  
SUPERVISORY PATENT EXAMINER